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12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. CR 5:25-mj-70598 MAG
17 Plaintiff,)
18 v.) UNITED STATES' MOTION FOR DETENTION
19 FRANCISCO DE-JESUS MORALES,)
20 Defendant.)
21)
22)

23 **I. INTRODUCTION**

24 The United States has charged Defendant Francisco De-Jesus Morales with a violation of 18
25 U.S.C. §§ 111(a)(1) and (b), assault on a federal officer inflicting bodily injury. Francisco Morales
26 (hereafter "Morales" or "Defendant") is scheduled to make his initial appearance on Wednesday, June 4,
27 2025. The United States herein files its motion for the pretrial detention of Morales. Morales's conduct
28 demonstrates that he presents both a flight risk and a danger to the community if released. There is no
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1 condition or combination of conditions that can secure his appearance before the Court or provide for
2 the safety of the community. The government respectfully requests that he be detained pending trial.

3 **II. FACTS**

4 **Background**

5 Morales is a 25-year-old citizen of Nicaragua without legal status in the United States. U.S.
6 Border Patrol agents initially encountered Morales on November 1, 2022, in Eagle Pass, Texas.
7 Thereafter, on November 4, 2022, ICE records indicate that Morales was released under an ICE
8 Alternatives to Detention program which allowed him to remain out of custody while navigating his
9 immigration proceedings. Morales was given a cellphone and instructed to use it to check in with ICE
10 while he was on release. Morales was administratively charged by ICE as an alien present in the United
11 States without lawful status and as an immigrant without an immigration visa. Morales has no history of
12 prior criminal convictions.
13

14
15 Morales was generally successful in complying with his release conditions throughout most of
16 his time on release. In April and June 2024, ICE attempted to verify Morales's current address and
17 phone number for the purpose of sending him a notice to appear in Immigration Court. On June 28,
18 2024, Morales responded to ICE and confirmed that the address ICE had on file was correct. The
19 address confirmed as accurate by Morales was on San Fernando Street in downtown San Jose.
20

21 On March 3, 2025, a United States Immigration Judge issued a final order of removal for
22 Morales following a hearing in Immigration Court in San Francisco. According to ICE records,
23 Morales failed to appear at this hearing, and the Immigration Judge entered a final order of removal
24 for Morales in absentia. Morales has since claimed in a filing in Immigration Court that he did not
25 receive notice of the March 3 hearing, as he was residing at a different address in San Jose in 2025.

26 On May 1, 2025, an authorized immigration officer with ICE issued an I-205 warrant providing
27 for Morales's removal and deportation from the United States. On that same date, ICE ERO, through a
28

1 contractor, contacted Morales and asked him to report to an ICE ERO facility on Blossom Hill Road in
2 San Jose for the purpose of turning in the cellphone that ICE had provided him. Morales agreed to do
3 so.

4 **Morales's Assault on ICE ERO officers on May 2, 2025**

5 On May 2, 2025, Morales reported to the Blossom Hill facility. Morales checked in at the
6 facility and self-identified to an ICE ERO officer. Thereafter, ICE ERO officers attempted to take
7 Morales into custody on the I-205 warrant for removal. Morales violently resisted arrest and attempted
8 to flee from the deportation officers, resulting in an extended physical struggle between Morales and
9 three deportation officers that spilled from a conference room onto the floor of a hallway. While the
10 deportation officers ultimately restrained Morales, the deportation officers and Morales all sustained
11 injuries during the physical altercation. The deportation officers' injuries included bruising, scrapes, an
12 ankle stress fracture/strain, a chest contusion, and a groin injury.
13

14 Morales intentionally struck or grabbed ICE ERO officers on at least two occasions during the
15 incident. Morales forcibly squeezed, twisted, and pulled the genitals of one of the deportation officers,
16 causing significant bruising. Morales also swung his elbow forcibly towards another ICE ERO officer
17 and struck him in the side, causing him to stumble and lose his balance. All three deportation officers
18 sought medical care following the incident, and two of the officers missed work for several days as they
19 recovered from the injuries they sustained while detaining Morales.
20

21 **III. LEGAL STANDARD**

22 Under the Bail Reform Act of 1984, the Court must detain a defendant before trial without bail
23 where "no condition or combination of conditions will reasonably assure the appearance of the person as
24 required and the safety of any other person and the community." 18 U.S.C. § 3142(e)(1). Detention is
25 appropriate where a defendant is either a danger to the community or a flight risk; the government need
26 not prove that both factors are present. *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985).
27
28

1 A defendant's danger to the community must be supported by clear and convincing evidence, but a
2 defendant's flight risk need only be supported by a preponderance of the evidence. *Id.*

3 "[T]he Bail Reform Act mandates an individualized evaluation guided by the factors articulated
4 in [18 U.S.C.] § 3142(g)." *United States v. Diaz-Hernandez*, 943 F.3d 1196, 1199 (9th Cir. 2019). Those
5 factors are: (i) the nature and circumstances of the offense charged; (ii) the weight of the evidence
6 against the defendant; (iii) the history and characteristics of the defendant, including his character,
7 physical and mental condition, family and community ties, past conduct, history relating to drug or
8 alcohol abuse, criminal history, and record concerning appearance at court proceedings, as well as
9 whether the crime was committed while the defendant was on probation or parole; and (iv) the nature
10 and seriousness of the danger to any person or to the community that the defendant's release would
11 pose. *See* 18 U.S.C. § 3142(g); *United States v. Winsor*, 785 F.2d 755, 757 (9th Cir. 1986).
12

13 **IV. ARGUMENT**

14 **A. Morales Should be Detained as a Flight Risk and a Danger to the Community**

15 The United States submits that Morales should be detained, because there are no conditions or
16 combination of conditions the Court could impose that will reasonably assure the safety of the
17 community or the appearance of Morales at further proceedings before this Court.
18

19 **(1) The Nature and Circumstances of the Offense Charged.**

20 Morales is charged with a serious offense, an assault on a federal officer that inflicted bodily
21 injury. When ERO officers attempted to detain him, he used force to avoid apprehension and attempted
22 to flee the ICE facility. He struck one officer with his elbow and grabbed another officer by the genitals.
23 His conduct reflects an intent to injure those officers. Indeed, Morales's physical efforts to resist were
24 so pronounced that three ERO officers were required to restrain him after a protracted struggle. All
25 three of those officers suffered injuries that required medical attention, and two of the injured officers
26 missed work for several days due to their injuries.
27
28

1 In sum, Morales engaged in ongoing, directed violence towards federal officers with an intent to
2 injure them, and his behavior demonstrated a blatant disregard for the law. The nature and
3 circumstances of this conduct strongly supports a finding that no conditions of release will protect the
4 community. Furthermore, it is difficult to see how someone willing to engage in violent conduct to
5 avoid complying with the lawful orders of a federal court and federal law enforcement officers could be
6 viewed as a person likely to voluntarily comply with orders of this Court if granted pretrial release.
7 Accordingly, this factor weighs heavily in favor of detention.
8

9 **(2) The Weight of Evidence Against the Person.**

10 Substantial evidence supports the conclusion that Morales poses a threat to the community and
11 will be a risk of non-appearance if he is released from custody. Morales's violent actions impacted three
12 ERO officers, all of whom provided statements regarding Morales's conduct. Furthermore, Morales's
13 intense efforts to resist apprehension occurred in the presence of other contract and clerical workers at
14 the Blossom Hill ICE facility. While the government acknowledges Morales may contest some of the
15 government's specific factual allegations, he cannot reasonably dispute, at a minimum, that he forcibly
16 resisted arrest and that his efforts in doing so resulted in an extended physical struggle that caused
17 injuries to those directly involved. The weight of the evidence thus strongly supports a finding that no
18 bail conditions will either protect the community or reasonably assure that Morales will appear at future
19 court appearances if released.
20
21

22 **(3) History and Characteristics of the Person.**

23 As noted above, Morales is a citizen of Nicaragua who is subject to deportation. An Immigration
24 Court has entered a final order for his removal from the United States. Morales has been in ICE ERO
25 custody since the May 2 assault pending deportation and will be brought before this Court for his initial
26 appearance directly from ICE ERO custody.
27
28

1 The government understands that Morales told government officials that he was a laborer when
2 they encountered him in Texas in November 2022, and that he provided ICE ERO with information that
3 he works in landscaping. Morales's employment status at the time of his detention is unclear. As to
4 residency, Morales confirmed the accuracy of an address on San Fernando Street in downtown San Jose
5 in a communication with ICE ERO in June 2024, but the government understands that Morales has now
6 asserted in an Immigration Court filing that he was residing at a different address south of downtown
7 San Jose at the time of his missed removal hearing in March 2025. Morales further claims that he did
8 not properly receive notice of the missed removal hearing based on the address discrepancy and has filed
9 a motion to re-open proceedings in Immigration Court.
10

11 The uncertainty regarding Morales's residence, along with his efforts to avoid apprehension, his
12 failure to appear at his deportation hearing, and the fact that he is subject to a final deportation order, all
13 suggest that he will be a serious flight risk if released from custody. Based on the currently available
14 information, consideration of Morales's personal history and circumstances weighs in favor of detention.
15

16 **(4) Nature and Seriousness of the Danger to Community.**

17 Morales has demonstrated that he will present a threat to public safety if he is released. A person
18 who is willing to attack and injure federal officials in the course of their duties constitutes a significant
19 danger to the community. Morales refused to submit when the deportation officers attempted to calmly
20 detain him in a low-key manner. Instead, he elbowed one officer, engaged in an intense and physical
21 struggle when a second officer joined the fray, and then continued to physically resist arrest and forcibly
22 grabbed the genitals of a third officer who tried to help restrain him. These facts demonstrate Morales's
23 disregard for the rule of law and suggest that he will not be likely to comply with conditions of release.
24 It is worth considering that the strength of Morales's determination to resist apprehension was such that
25 it took three officers to finally detain him. It seems unlikely that someone so committed to taking a
26 violent course of action to avoid detention will comply with the Court's orders if released.
27
28

1 It is also unlikely that Morales will voluntarily appear before the Court for further proceedings if
2 he is released on a bond. Morales failed to appear for the most important hearing in his immigration
3 proceedings, his March 3 removal hearing. Morales is facing a potential prison sentence if convicted of
4 the assault crime with which he is charged. Releasing Morales from custody, even with strict
5 conditions, will not mitigate the danger he poses to the community and the risk he would flee. Release
6 conditions always depend, at least in part, on voluntary compliance. Morales's demonstration of intense,
7 violent resistance to law enforcement strongly supports a finding that no conditions of release will
8 protect the community or reasonably assure his future court appearances in this case.
9

10 **V. CONCLUSION**

11 Pretrial detention is necessary in this case to assure the safety of people and the community, and
12 the appearance of the defendant as required. 18 U.S.C. § 3142(f). There is clear and convincing evidence
13 that the defendant would pose a danger to the community if released, and that there are no release
14 conditions or combination of conditions that would assure the safety of the community. The facts further
15 support the conclusion, by a preponderance standard, that the defendant would be a flight risk and would
16 not appear at trial as required.
17

18 For the foregoing reasons, the government respectfully requests that the Court order Morales
19 detained pending trial in this case.
20

21 Respectfully submitted,

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